

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): John Stephen Dunfield et al

Confirmation No.: 2192

Application No.: 10/765402

Examiner: Saira Raza

Filing Date: Jan 27, 2004

Group Art Unit: 1711

Title: METHOD OF MAKING MICROCAPSULES UTILIZING A FLUID EJECTOR

Mail Stop
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

- () Response/Amendment () Petition to extend time to respond
() New fee as calculated below () Supplemental Declaration
(X) No additional fee
(X) Other: Response to Restriction Requirement (fee \$)

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS		MINUS		= 0	X \$50	\$ 0
INDEP. CLAIMS		MINUS		= 0	X \$200	\$ 0
[] FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ \$360	\$ 0
EXTENSION FEE	1ST MONTH \$120.00	2ND MONTH \$450.00	3RD MONTH \$1020.00	4TH MONTH \$1590.00		\$ 0
OTHER FEES						\$
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0

Charge \$ 0 to Deposit Account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450.

Respectfully submitted,

John Stephen Dunfield et al

By Donald J. Coulman

Donald J. Coulman

Attorney/Agent for Applicant(s)

Reg. No. 50,406

Date: 10/21/05

Date of Deposit: 10/21/05

Typed Name: Donald J. Coulman

Signature: Donald J. Coulman



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PATENT APPLICATION

Attorney Docket No: 100202073-1

EPW

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UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventors: John Stephen Dunfield et al. **Examiner:** Saira Raza
Application No: 10/765,402 **Group Art Unit:** 1711
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EJECTOR

**COMMISSIONER FOR PATENTS
PO Box 1450
Alexandria, VA 22313-1450**

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

In response to Examiner's Office Communication dated October 6, 2005
Applicants respond as follows:

Examiner has identified eleven distinct species (a)-(k). Examiner has required restriction.

Applicants respectfully traverse Examiner's restriction. Applicants believe that the restriction requirement is improper for several reasons. First, Examiner has not established a prima facie case for restricting the claims of the application. Applicants believe that Examiner must provide a reasoned explanation why the inventions as claimed are distinct as well as explaining why the distinct inventions must be restricted on the basis of either a separate classification, a separate status in the art, or a different field of search. Examiner in identifying items (a)-(k) has provided no argument or explanation how these items are distinct species. As just one example, Examiner has provided no explanation how activating a fluid ejector (a) is a species distinct from ejecting drop (b) or moving fluid ejector (c). This is especially true in what appear to be several arbitrary groupings of claims (e.g. d, g, h, etc.) for the purpose of increasing the number of species, without even a descriptor associated with the grouping providing some indication of distinctness.